

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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In re: Methyl Tertiary Butyl Ether ("MTBE")
Products Liability Litigation

Master File No. 1:00-1898
MDL 1358 (SAS)
M21-88

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This document relates to:

*City of New York v. Amerada Hess Corp.,
et al.*, 04 Civ 3417

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**DECLARATION OF JOSEPH C. KEARFOTT WITH EXHIBITS IN SUPPORT OF
DEFENDANTS' MOTION IN LIMINE REGARDING APPLICATION OF THE
COMMINGLED PRODUCT THEORY, CONSIDERATION OF FAULT OF
NONPARTIES, AND PROOF OF DATE OF HARM**

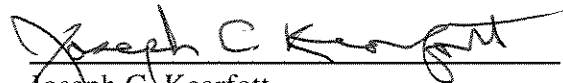
1. Joseph C. Kearfott, an attorney admitted *pro hac vice* to appear in this case, herby declares under penalty of perjury:

2. I am an attorney with the law firm of Hunton & Williams LLP, counsel for Defendant Flint Hills Recourses, LP in the above-captioned matter. I submit this Declaration in support of Defendants' Motion In Limine Regarding Application of the Commingled Product Theory, Consideration of Fault of Nonparties by Jury, and Proof of Date of Harm ("Motion").

3. This Declaration authenticates the exhibits attached hereto and relied on in support of the Motion. In accordance with this Court's Individual Rules and Procedures, the exhibits have been excerpted to include only the relevant material. Copies of each of the exhibits appended hereto were made at my direction on or around April 27, 2009.

1. Attached as Exhibit 1 is a true and correct copy of a letter dated December 13, 2006 from Steven J. German, Esq. to Stuart A. Raphael, Esq.
2. Attached as Exhibit 2 are true and correct copies of selected pages from the City of New York's Revised Supplemental Responses and Objections to Defendants' First Joint Interrogatory Nos. 1-7, 9, 12-13 (June 10, 2008).
3. Attached as Exhibit 3 are true and correct copies of selected pages from the City of New York's Responses and Objections to Defendants' Contention Interrogatories and Document Requests on Causation, Theories of Liability and Apportionment of Damages, # 3, 4, 6, (Dec. 19, 2008).
4. Attached as Exhibit 4 is a true and correct copy of a letter dated April 13, 2009 from Susan Amron, Esq. to James A. Prado, Esq.

On this the 27th day of April 2009, I herby declare under penalty of perjury under the laws of the United States that the foregoing statements are true and correct.



Joseph C. Kearfott

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Counsel for Defendant Flint Hills
Resources, LP

EXHIBITS

Exhibit No.

Letter dated December 13, 2006 from Steven J. German, Esq. to Stuart A. Raphael, Esq.	1
Selected pages from the City of New York's Revised Supplemental Responses and Objections to Defendants' First Joint Interrogatory Nos. 1-7, 9, 12-13 (June 10, 2008)	2
Selected pages from the City of New York's Responses and Objections to Defendants' Contention Interrogatories and Document Requests on Causation, Theories of Liability and Apportionment of Damages, # 3, 4, 6, (Dec. 19, 2008)	3
Letter dated April 13, 2009 from Susan Amron, Esq. to James A. Prado, Esq.	4